IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

CRP.No. 90 of 2007()

AGAINST THE ORDER IN IA 1031/2006 IN OS.78/2006 of WAKF TRIBUNAL, KOZHIKODE

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REVN. PETITIONER: PETITIONER/PLAINTIFF

K.P.ABDULLA HAJI, S/O.HAMSAKUNHI HAJI,
AGED 71 YEARS, NO OCCUPATION,
NEAR SYNDICATE BANK, KANNAPURAM,
AMSOM DESOM, P.O.CHERUKUNNU-670 031.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.KODOTH PUSHPARAJAN
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS: DEFENDANTS
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1. THE CHERUKUNNU OLIYAMKARA JUMA-AT
PALLI, MUNAVIRAL ISLAM DARS MADRASSA
COMMITTEE REPRESENTED BY ITS PRESIDENT
A.C.MOIDEEN, AGED 65 YRS., CHERUKUNNU AMSOM
AND DESOM.

2. -DO- -DO-
REPRESENTED BY SECRETARY,
ABDU RAHIMAN, AGED 41 YEARS, CHERUKUNNU AMSOM
DESOM OF KANNUR DISTRICT.

BY ADV. SRI.P.T.MOHANKUMAR
SRI.A.AHZAR

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. NO. 263/2007 IN C.R.P. NO. 90/2007

DISMISSED

19.07.2007 SD/- KURIAN JOSEPH, JUDGE.

SD/- T.R. RAMACHANDRAN NAIR, JUDGE.

/True Copy/

P.A to Judge.

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ

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C.R.P NO. 90 OF 2007

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Dated this the 19th day of July, 2007.

JUDGMENT

Kurian Joseph,J

This is an appeal filed against order dated 15.01.2007 in I.A. No. 1031/2007 in O.S. No. 78/2006 on the file of the Wakf Tribunal, Kozhikode, whereby an application under order XXXIX Rule I of C.P.C was dismissed. The issue pertains to the construction of a urinal in the plaint schedule property. According to the respondents, the construction has already been completed. That is disputed by the petitioner. According to the petitioner, the construction is only half way. Be that as it may, there is an interim order ever since 25.01.2007. The suit is pending before the Tribunal. There will be a direction to the Wakf Tribunal, Kozhikode to dispose of O.S. No. 78/2006 within a period of four months from the date of production of a copy of this judgment. Till the disposal there shall be no further construction in the plaint schedule property.

KURIAN JOSEPH, JUDGE.

T.R. RAMACHANDRAN NAIR, JUDGE.

rv

KURIAN JOSEPH &
T.R. RAMACHANDRAN NAIR, JJ

L.A.A NO. 202 of 2001

19th day of July, 2007

JUDGMENT